

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:07-CV-272-F

MICHAEL T. MOORE,  
Plaintiff,

v.

ROCKY MOUNT POLICE DEPARTMENT,  
Defendant.

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ORDER

This matter is before the court on the Memorandum and Recommendation (M & R) of United States Magistrate Judge David W. Daniel filed on October 15, 2007. The plaintiff did not file any objections to the Magistrate Judge's M & R.

After an independent and thorough review of the Magistrate Judge's M & R and a *de novo* review of the record, the court concludes that the M & R is correct and in accordance with the law. Accordingly, the court hereby ADOPTS the Magistrate Judge's M & R, and it hereby is ORDERED that the plaintiff's Complaint is DISMISSED as frivolous.

SO ORDERED.

This 13<sup>th</sup> day of February, 2008.

  
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JAMES C. FOX  
United States District Judge